

BACKGROUND DATA

Site and Vicinity Description

This 4,750 square foot site is located in a residential-commercial Lowrise 3 zone (L3-RC) in the Ballard neighborhood, on the north side of NW 60th Street, midblock between 22nd and 24th Avenues NW. The 60th Street right of way has existing curbs and sidewalks. The site slopes gradually to the south, and it is not in a mapped Environmentally Critical Area.

Neighboring properties to the north, south, and west are also zoned L3-RC. Adjacent land to the east is zoned Lowrise Duplex/Triplex (LDT). The area is developed mostly with a mix of single family homes and low apartments.

Proposal Description

The applicant proposes to subdivide the subject parcel of land into four unit lots (unit subdivision). Proposed unit lot sizes are:

- A) 1,187 sq. ft.
- B) 1,187 sq. ft.
- C) 1,188 sq. ft.
- D) 1,188 sq. ft.

Public Comments

The two-week comment period ended September 29, 2004. The project planner received about 30 comment letters from the public. All the letters addressed the need to preserve the existing single family home. Demolition and construction involved a nondiscretionary review, not subject to appeal. This review is to facilitate fee-simple ownership of the individual townhouse units only.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC [23.24.040](#), the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grand, condition or deny a short plat, no short plat shall be approved unless all of the following conditions are found to exist. The findings which follow are based on information provided by the applicant, referral comments from DPD, the Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review by the Land Use Planner.

1. *Conformance to the applicable Land Use Code provisions;*

This proposed unit subdivision of townhouse units would conform to all applicable development standards of section [23.24.045](#) "Unit Lot Subdivisions".

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);*

Vehicular access to the townhouses will be from NW 60th Street, which is paved. Parking is to be beneath the proposed structures, and all units have access to the street.

Seattle City Light (SCL) requires an easement to provide power to the buildings on the new unit lots from the right-of-way. Power is available from NW 60th Street. SCL approves this unit lot subdivision and has provided required easement language, which must be incorporated into the recorded short plat. The easement language is attached to this decision as Appendix A on page 7 of this report.

The Seattle Fire Department has reviewed this proposed unit subdivision and requires no corrections.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

DPD reviewed the existing, proximate public sanitary sewer system with the building permit application, and determined that there are no issues regarding sanitary sewage discharge from this project.

DPD reviewed the existing drainage infrastructure as part of the building permit application, and approved the proposed project stormwater control. Necessary easements and connection documents are included with a Side Sewer Permit.

The drainage reviewer has no recommended requirements to be required prior to publishing the unit lot subdivision decision.

A Seattle Public Utilities official has reviewed the proposal and issued Water Availability Certificate 20041280. All SPU conditions of approval must be met.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

This proposal meets this criterion due to the fact that additional fee-simple housing will be available for sale within the City limits as a result of the unit subdivision of the parcel and construction of ground-related housing.

5. *Conformance to the applicable provisions of SMC Section [25.09.240](#), short subdivision and subdivisions in environmentally critical areas;*

This site is not an Environmentally Critical Area (ECA) as defined in SMC [25.09.020](#), therefore this criterion is not applicable to this application.

6. *Is designed to maximize the retention of existing trees;*

Trees that existed prior to issuance of the building permit are no longer present on the site. This criterion therefore does not apply to this application.

7. *Conformance to the provisions of Section [23.24.045](#), Unit Subdivisions.*

The provisions of SMC Section [23.24.045](#) are as follows:

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family residences in zones where such uses are permitted.*

The subject proposal would establish separate unit lots for two townhouse structures in an L3-RC zone, thus falling within the purview of SMC Section [23.24.045](#).

- B. *Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that private, useable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*

The approval of the building permit, #[744869](#), demonstrates that the development as a whole meets all applicable development standards. For ground related development, L3 zoning requires an average of three hundred (300) square feet per unit of private, usable open space, at ground level and directly accessible to each unit. No unit shall have less than two hundred (200) square feet of private, usable open space (SMC [23.45.016 A3a1](#)). The proposed plat delineates the following amounts of qualifying open space:

- A) 300 sq. ft.
- B) 225 sq. ft.
- C) 375 sq. ft.
- D) 375 sq. ft.

The average size of the above open spaces is 319 square feet.

- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*

Compliance with criterion F below should assure proper control of future platting actions, additions or modifications to the structures.

- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open spaces (such as*

common courtyard open space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.

The applicant has described the necessary easements for vehicular access to garages. A “joint use and maintenance agreement” for the property has been provided on plans and must be recorded for final approval of this unit subdivision.

- E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Required parking will be provided in private garages located beneath each unit. Each unit will have one garage parking space.

- F. The fact that the unit lot is not a separate building lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

A note on the face of the plat clarifies that each unit lot is not a separate buildable site. The note must be recorded with the plat, and as such satisfies the provision.

Summary - Short Subdivision

Review of this site plan shows that the proposed short subdivision, as conditioned in this decision, will conform to applicable standards of SMC [23.24.045](#), Unit Subdivisions. The lots to be created by this short subdivision will meet all minimum standards of the L1 zone set forth in the Land Use Code. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

The owner(s) and/or responsible party(ies) shall:

Conditions of Approval Prior to Recording

1. Show the required utilities easement on the plat as described in Appendix A on page 7.
2. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes.
3. Add the following note to the face of the plat: *"The lots created by this unit subdivision are not separate buildable lots. Additional development on these unit lots in this unit subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code."*
4. Provide a joint maintenance and responsibility agreement for maintenance and use of shared walls on property lines and all ingress, egress, and utility easements.
5. Provide an area to allow for the posting of address signage for Unit Lots C and D at a location visible from NW 60th St and provide a covenant and/or an easement to ensure that address signage can be maintained.
6. Submit the final recording forms for approval.

Conditions of Approval Prior to Final Certificate of Occupancy

None.

Signature: (signature on file) Date: November 25, 2004
Scott A. Ringgold, Land Use Planner
Department of Planning and Development
Land Use Division

Appendix A

**EXHIBIT "A" TO CITY OF SEATTLE
SHORT SUBDIVISION NO. 2405004
P.M.# 250311-1-024**

EASEMENT (Overhead and Underground)

THIS EASEMENT GRANTS to the City of Seattle, hereafter called the Grantee, its successors and assigns, the right, privilege and authority to install, construct, erect, alter, improve, repair, energize, operate and maintain electric overhead and underground distribution facilities at depths not exceeding 15 feet, which consist of poles with braces, guys and anchors, crossarms, transformers, ducts, vaults, manholes, cabinets, containers, conduits, wires and other necessary or convenient appurtenances to make said underground and overhead installations an integrated electric system. All such electric system is to be located across, over, upon and under the following described lands situated in the County of King, State of Washington, to wit:

That portion of Lot 23, Block 27, Gilman Park, according to the plat recorded in volume 3 of Plats, page 40, records of King County, Washington, described as follows:

Beginning at the northwest corner of said Lot 23;
thence North 89°05'51" East, along the north line of said Lot 23, 5.00 feet;
thence South 0°58'25" East, parallel with the west line of said Lot 23, 79.99 feet, more or less, to a point that is 15.00 feet North of the south line of said Lot;
thence North 89°05'58" East, parallel with the south line of said Lot 23, 40.00 feet, more or less, to a point that is 4.00 feet West of the east line of said Lot;
thence North 0°58'23" West, parallel with the east line of said Lot 23, 32.54 feet;
thence South 89°01'35" West, 5.00 feet;
thence North 0°58'23" West, 47.43 feet, more or less, to the north line of said Lot 23;
thence North 89°05'51" East, along the north line of said Lot 23, 10.00 feet, more or less, to the northeast corner thereof;
thence South 0°58'23" East, along the east line of said Lot 23, 94.99 feet to the southeast corner thereof;
thence South 89°05'58" West, along the south line of said Lot 23, 50.00 feet to the southwest corner thereof;
thence North 0°58'25" West, along the west line of said Lot 23, 94.99 feet to the northwest corner thereof, and the point of beginning;

EXCEPT any portion thereof lying within the proposed buildings to be constructed on said property.

(Being the west 5.00 feet of Unit Lot A, the east 10.00 feet of Unit Lot B, the west 5.00 feet and the south 15.00 feet of Unit Lot C, and the east 5.00 feet and the south 15.00 feet of Unit

Lot D, City of Seattle Short Subdivision No. 2405004; EXCEPT any portion thereof lying within the proposed buildings to be constructed on said Unit Lots.)

Together with the right at all times to the Grantee of ingress to and egress from said lands across adjacent lands within City of Seattle Short Subdivision No. 2405004 for the purpose of installing, constructing, reconstructing, repairing, renewing, altering, changing, patrolling, energizing and operating said electric system, and the right at any time to remove all or any part of said electric system from said lands.

Also together with the right to the Grantee at all times to cut and trim brush, trees or other plants of any kind standing or growing upon said lands or adjacent lands within City of Seattle Short Subdivision No. 2405004 which, in the opinion of the Grantee, interfere with the maintenance or operation of the system, or constitute a menace or danger to said electric system.

It is covenanted and agreed that no structure or fire hazards will be erected or permitted within the above described easement area without prior written approval from the Grantee, its successors and assigns.

It is further covenanted and agreed that no digging will be done or permitted within the easement area which will in any manner disturb the facilities or their solidity or unearth any portion thereof; and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of said lines and appurtenances.

The Grantee is to be responsible, as provided by law, for any damage through its negligence in the construction, maintenance and operation of said electric system across, over, upon and under the property granted in this easement or land adjacent thereto.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee, its successors, assigns shall permanently remove said poles, wires and appurtenances from said lands or shall otherwise permanently abandon said electric system, at which time all such rights, title, privileges and authority hereby granted shall terminate.